

**ANNUAL REPORT OF THE PUBLIC ACCESS COUNSELOR
To the Indiana General Assembly**

July 1, 2001 through June 30, 2002

Pursuant to Indiana Code section 5-14-4-12, this is the annual report of the activities of the Office of the Public Access Counselor for the time period covering July 1, 2001 through June 30, 2002.¹ This report is presented in three parts: the information required under Indiana Code section 5-14-4-12; a narrative summary of the activities of the Office; and appendices with more detailed information on the presentations given and the advisory opinions issued over the past year.

**PART I
Annual Report**

(1) Total number of inquiries and complaints received:

7/1/01-6/30/02--1945

7/1/00-6/30/01--1951

7/1/99-6/30/00--1473

(2) Number of inquiries and complaints received each from the public, media and government agencies:

	<u>7/1/01-6/30/02</u>	<u>7/1/00-6/30/01</u>
Public	851	783
Media	261	319
Government	833	849

(3) Number of inquiries and complaints that were resolved: **1904**

¹ In order to prepare this report in time for submission under the statute, any complaints or inquiries received and any opinions issued or advice provided after Noon, Friday June 28, 2001 will be included as part of the report for July 1, 2002-June 30, 2003.

(4) Number of complaints received about each of the following:

- (A) State agencies 49
- (B) County agencies 72
- (C) City agencies 37
- (D) Town agencies 31
- (E) Township agencies 9
- (F) School corporations 23
- (G) Other agencies

- Authority 1
- Libraries 1
- Universities 7

(5) Number of complaints² received concerning each of the following:

- (A) Public records--218**
- (B) Public meetings--65**

(6) The total number of written advisory opinions issued and pending:

Opinions Issued: 67
Opinions Pending: 5

² The number of complaints in this section does not match the total of all numbers reported in section 4. This is due to the fact that in many cases, the complainant lodged more than type of violation.

PART II

Executive Summary

Advisory Opinions

Since July 1, 2001, the Office has issued 67 written advisory opinions. Four (4) opinions are pending as of this report. Under Indiana Code sections 5-14-5-9 and 10, advisory opinions must be issued within either seven (7) or thirty (30) days of receipt by the Office. A more detailed listing of these opinions and a brief description of the opinions follow in Appendix B, below.

Education and Presentations

Twenty-four (24) educational presentations were held for various groups over the past year. A full listing of these presentations follows in Appendix A, below.

Access Handbook and other Educational Materials

The Public Access Handbook is a collaborative effort between the Office and the Indiana Attorney General and was most recently revised effective August 2001. There were very few amendments to the public access statutes during the 2002 Session of the General Assembly and we are working on updating the Handbook to reflect them. The August 2001 version is posted on the Office's website, www.state.in.us/pac and, as soon as the revised issue is completed, it will be posted. Last year, we distributed approximately 2,800 of the Handbooks during the educational presentations mentioned in the previous section of this Part and directly to citizens and public offices.

Oversight Committee on Public Records

Effective July 1, 2001, the Public Access Counselor serves as a member of the Oversight Committee on Public Records, the governing body for the Indiana Commission on Public Records. The Committee generally meets one time each month. During the past year, I assisted with the re-adoption of the administrative rules adopted by the Oversight Committee and am currently chairing a subcommittee that is responsible for updating the microfilming standards administrative rule, 60 IAC 2.

March 14, 2002	Northern District Clerks' Association Meeting (Lafayette)
March 14, 2002	Indiana Judicial Center's Fourth Annual Meeting of Court-Administered Alcohol and Drug Programs (Indianapolis)
March 22, 2002	North Vernon Police Department In-House Training Session (North Vernon)
March 22, 2002	Jennings Northwest Regional Utilities In-House Training Session (North Vernon)
March 27, 2002	Purdue Road School (West Lafayette)
April 1, 2002	Tippecanoe County Human Relations Commission (Lafayette)
April 16, 2002	Indiana Recorders' Association Annual Meeting (Indianapolis)
April 18, 2002	Indiana Public Health Association (Indianapolis)
May 2-5, 2002	National Freedom of Information Coalition Annual Conference (Orlando, FL)
May 21, 2002	Indiana Community Action Association (Indianapolis)
June 4, 2002	Indiana Consortium of State and Local Human Rights Agencies (Indianapolis) [2 sessions]
June 7-8, 2002	New Jersey Foundation for Open Government Conference (New Brunswick, NJ)

APPENDIX B

ADVISORY OPINIONS ISSUED³ JULY 1, 2001 THROUGH JUNE 30, 2002

2001

<u>Opinion No.</u>	<u>Issue(s)</u>
01-FC-37	Alleged Denial of Access to Public Records by the City of Greenfield.
01-FC-38	Alleged Denial of Access to Public Records by the Indiana Department of Natural Resources.
01-FC-39	Alleged Denial of Access to Public Records by the Huntington Township Trustee's Office, Huntington County.
01-FC-40	Alleged Denial of Access to Public Records by the Greene County Clerk's Office
01-FC-41	Alleged Denial of Access to Public Records by the Orange Circuit Court.
01-FC-42	Alleged Improper Denial of Access to Public Records by the Indiana Department of Environmental Management.
01-FC-43	Alleged Denial of Access to Public Records by the Clerk of the Supreme and Appellate Courts.
01-FC-44	Alleged Denial of Access to Public Records by the Allen County Election Board.
01-FC-45	Alleged Violations of the Indiana Open Door Law by the Jasper County Plan Commission.
01-FC-46	Alleged Violation of the Access to Public Records Act by the Indiana State Police Department.
01-FC-47	Alleged Violations of the Indiana Access to Public Records Act by the Indiana Department of Environmental Management.

³ The full text of these opinions is posted on the Office website, www.state.in.us/pac

- 01-FC-48 Alleged Violation of the Indiana Open Door Law by the Hendricks County Council.
- 01-FC-49 Alleged Denial of Access to Public Records by the LaGrange County Sheriff's Department.
- 01-FC-50 Alleged Denial of Access to Public Records by the Indiana Department of Administration.
- 01-FC-51 Alleged Violation of the Open Door Law by the City of Richmond Common Council.
- 01-FC-52 Alleged Denial of Access to Public Records by the Office of the Indiana Attorney General.
- 01-FC-53 Alleged Denial of Access to Public Records by the Indianapolis Police Department.
- 01-FC-54 Alleged Denial of Access to Public Records by the School Town of Highland.
- 01-FC-55 Alleged Violation of the Open Door Law by the Indiana Council on Independent Living.
- 01-FC-56 Alleged Denial of Access to Public Records by the LaPorte Community School Corporation.
- 01-FC-57 Alleged Violation of the Indiana Open Door Law by the Lawrenceburg Community School Corporation Board of Trustees
- 01-FC-58 Alleged Denial of Access to Public Records by the Vanderburgh Circuit Court.
- 01-FC-59 Alleged Violation of the Access to Public Records Act by the DeKalb Circuit Court Clerk's Office.
- 01-FC-60 Alleged Denial of Access to Public Records by the Lawrenceburg Community School Corporation.
- 01-FC-61 Alleged Denial of Access to Public Records by the Lawrenceburg Community School Corporation.
- 01-FC-62 Alleged Violation of the Access to Public Records Act Concerning Copying Fees by the Greene County Clerk's Office.

- 01-FC-63 Alleged Violation of the Access to Public Records Act Concerning Copying Fees by the Clerk of the Supreme and Appellate Courts.
- 01-FC-64 Alleged Denial of Access to Public Records by the Lawrenceburg Community School Corporation.
- 01-FC-65 Alleged Denial of Access to Public Records by the Huntington County Drainage Board.
- 01-FC-66 Alleged Denial of Access to Public Records by the St. Joseph County Surveyor's Office.
- 01-FC-67 Alleged Denial of Access to Public Records by the Indiana Department of Environmental Management.
- 01-FC-68 Alleged Denial of Access to Public Records by the Marshall County Surveyor's Office.
- 01-FC-69 Alleged Denial of Access to Public Records by the School Town of Highland.
- 01-FC-70 Alleged Denial of Access to Public Records by Ball State University.
- 01-FC-71 Alleged Denial of Access to Public Records by the City of Muncie Controller's Office.
- 01-FC-72 Alleged Denial of Access to Public Records by Ball State University.
- 01-FC-73 Alleged Denial of Access to Public Records by the Indiana Law Enforcement Training Academy.
- 01-FC-74 Alleged Denial of Access to Public Records by the Ball State University Police Department.
- 01-FC-75 Alleged Violation of the Open Door Law by the Westfield Town Council.
- 01-FC-76 Alleged Denial of Access to Public Records by the LaGrange County Public Library.
- 01-FC-77 Alleged Violation of the Access to Public Records Act by the City of East Chicago.

- 01-FC-78 Alleged Denial of Access to Public Records by the Lake Superior Court-Civil Division Room Three.
- 01-FC-79 Alleged Violation of the Indiana Open Door Law by the Clermont Town Council.
- 01-FC-80 Alleged Denial of Access to Public Records by the Delaware County Recorder's Office.
- 01-FC-81 Alleged Denial of Access to Public Records by the Fayette County Clerk's Office.
- 01-FC-82 Alleged Violation of the Indiana Open Door Law by the Clermont Town Council.

2002

<u>Opinion No.</u>	<u>Issue(s)</u>
02-FC-1	Alleged Violation of the Open Door Law by the Elkhart County Commissioners.
02-FC-2	Alleged Violation of the Open Door Law by the Greene County Board of Commissioners.
02-FC-3	Alleged Denial of Access to Public Records by the Family and Social Services Administration.
02-FC-4	Alleged Violation of the Indiana Open Door Law by the Miami County Board of Commissioners.
02-FC-5	Alleged Violation of the Access to Public Records Act by the Clerk of the Circuit Court of Delaware County.
02-FC-6	Alleged Denial of Access to Public Records by the Ball State University Board of Trustees.
02-FC-7	Alleged Failure to Provide Proper Notice under the Open Door Law by the Knightstown Town Council.
02-FC-8	Alleged Denial of Access to Public Records by the City of Noblesville.

- 02-FC-9 Alleged Denial of Access by the Jasper County Surveyor's Office.
- 02-FC-10 Alleged Violations of the Open Door Law by Two (2) Members of the Andrews Town Council.
- 02-FC-11 Alleged Violation of the Open Door Law by the Hamilton County Board of Commissioners and the Hamilton County Council.
- 02-FC-12 Alleged Denial of Access to Public Records by the Brown County Area Plan Commission.
- 02-FC-13 Alleged Denials of Access to Public Records by the Ball State University Office of Dean of Students.
- 02-FC-14 Alleged Denial of Access to Public Records by the Ball State University Department of Photographic Services.
- 02-FC-15 Alleged Denial of Access to Public Records by the Gary City Clerk's Office.
- 02-FC-16 Alleged Denial of Access to Public Records by the Fort Wayne Police Department.
- 02-FC-17 Alleged Denial of Access to Public Records by the Indiana Department of Correction.
- 02-FC-18 Alleged Violation of the Open Door Law by the Hamilton County Drainage Board.
- 02-FC-19 Alleged Violation of the Open Door Law by the Hamilton County Board of Commissioners.
- 02-FC-20 Alleged Violation of the Open Door Law by the Shelby County Plan Commission.
- 02-FC-21 Alleged Violations of the Open Door Law by the Hamilton County Council.
- 02-FC-22 Opinion pending.
- 02-FC-23 Opinion pending.
- 02-FC-24 Opinion pending.
- 02-FC-25 Opinion pending.
- 02-FC-26 Opinion pending.